

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SAINT-GOBAIN ABRASIVES, INC.,

Plaintiff,

v.

KOHLER CO.,

Defendant.

CIVIL ACTION No. 04-40199-FDS

KOHLER CO.,

Counterclaim Plaintiff,

v.

SAINT-GOBAIN ABRASIVES, INC.,

Counterclaim Defendant.

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

The plaintiff and counterclaim defendant, Saint-Gobain Abrasives, Inc., and the defendant and counterclaim plaintiff, Kohler Co., hereby stipulate and agree that this matter be dismissed without prejudice and without costs, each party to bear his or their own attorneys' fees and each side waiving their right of appeal.

The Plaintiff and Counterclaim Defendant
Saint-Gobain Abrasives, Inc.,

By its attorneys,

The Defendant and Counterclaim Plaintiff,
Kohler Company,

By its attorneys,

/s/ Michele P. Rosano

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Dated: January 23, 2006

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Dated: January 23, 2006